

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY PUBLIC SERVICE COMMISSION)	
)	
VS.)	CASE NO. 9671
)	
HARDIN COUNTY WATER DISTRICT NO. 1)	

O R D E R

On June 1, 1987, Hardin County Water District #1 ("Hardin County") filed a Petition for Rehearing. The grounds for its petition are that the Commission has no statutory authority to fine a publicly owned utility and that the Commission is selectively enforcing its regulations.

These issues were raised at the hearing held on April 1, 1987. The Commission has addressed both of these contentions. The Order, issued May 11, 1987, cites KRS 278.015 which specifically incorporates publicly owned water districts into the regulatory scheme of Chapter 278.

During the hearing, the Commission's witness, Claude Rhorer, Director of Engineering, testified about the Commission's inspection and enforcement procedures. Hardin County requested and was given several examples of enforcement actions against various utilities. Apparently, Hardin County is attempting to categorize utilities by function, i.e. water, gas, sewer, etc., in order to buttress its position of selective enforcement. However, the Commission regulates a broad spectrum of utilities, both

public and private. The evidence adduced by Hardin County's questioning of Mr. Rhorer demonstrates the range of enforcement actions the Commission is continually pursuing.

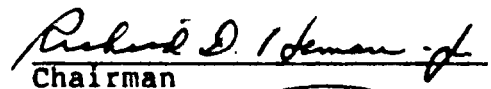
Because Hardin County has not raised any issues that were not, or could not have been, raised at the hearing, it has presented no matters which warrant rehearing. It has not provided any evidence to support its position which could not have been presented at the hearing.

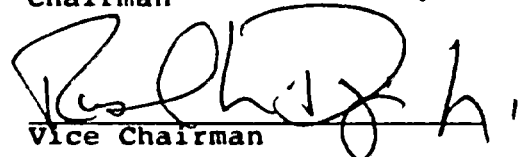
After consideration of the issues raised in the Petition, the Commission finds that there is no new evidence or issue presented which was not raised previously. For this reason, the Petition should be denied.

IT IS THEREFORE ORDERED that the Petition for Rehearing is denied.

Done at Frankfort, Kentucky, this 22nd day of June, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director